

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LAWRENCE BLITZ, Individually and on	)	Civil Action No. 3:11-cv-00992
Behalf of All Others Similarly Situated,)	
	)	<u>CLASS ACTION</u>
Plaintiff,)	
vs.	)	Chief Judge Todd J. Campbell
	)	Magistrate Judge E. Clifton Knowles
AGFEED INDUSTRIES, INC., et al.,)	
)	
Defendants.)	
)	
)	

KEVIN SOPUCH, Individually and on Behalf	)	Civil Action No. 3:11-cv-01025
of All Others Similarly Situated,)	
	)	<u>CLASS ACTION</u>
Plaintiff,)	
vs.	)	Chief Judge Todd J. Campbell
	)	Magistrate Judge E. Clifton Knowles
AGFEED INDUSTRIES, INC., et al.,)	
)	
Defendants.)	
)	
)	

[Additional captions appear on next page.]

[PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS
AND SETTING SCHEDULE

LAWRENCE R. ROSEN, Individually and on) Civil Action No. 3:11-cv-01043
Behalf of All Others Similarly Situated,)
) CLASS ACTION
Plaintiff,)
) Judge John T. Nixon
vs.) Magistrate Judge John S. Bryant
)
AGFEED INDUSTRIES, INC., et al.,)
)
Defendants.)
)
_____)

JUNE W. DOUGHERTY, Individually and on) Civil Action No. 3:11-cv-01046
Behalf of All Others Similarly Situated,)
) CLASS ACTION
Plaintiff,)
) Judge Kevin H. Sharp
vs.) Magistrate Judge John S. Bryant
)
AGFEED INDUSTRIES, INC., et al.,)
)
Defendants.)
)
_____)

MICHAEL FAJEN, Individually and on Behalf) Civil Action No. 3:11-cv-01050
of All Others Similarly Situated,)
) CLASS ACTION
Plaintiff,)
) Chief Judge Todd J. Campbell
vs.) Magistrate Judge E. Clifton Knowles
)
AGFEED INDUSTRIES, INC., et al.,)
)
Defendants.)
)
_____)

This case is before the Court on the Motion of Defendants AgFeed Industries, Inc., John A. Stadler, Gerard Daignault, Raymond M. Cesca, Clay Marshall, and Edward Pazdro (“Movants”) for consolidation and scheduling. There are currently five related putative securities class action lawsuits instituted on behalf of a purported class of persons who purchased or otherwise acquired the shares of AgFeed Industries, Inc. (“AgFeed”) against AgFeed and certain of its officers and/or directors, alleging violations of the Securities Exchange Act of 1934. Movants have shown good cause for consolidation of these related actions that will promote judicial economy, avoid duplicative law and motion and discovery proceedings, and streamline adjudication of these matters, and it appearing that this motion should be granted,

IT IS THEREFORE ORDERED:

1. The following actions are hereby consolidated for all purposes, including pretrial proceedings, trial and appeal, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure:

<u>Abbreviated Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>Blitz v. AgFeed Industries, Inc., et al.</i>	3:11-cv-00992	10/18/2011
<i>Sopuch v. AgFeed Industries, Inc., et al.</i>	3:11-cv-01025	10/26/2011
<i>Rosen v. AgFeed Industries, Inc., et al.</i>	3:11-cv-01043	11/01/2011
<i>Dougherty v. AgFeed Industries, Inc., et al.</i>	3:11-cv-01046	11/01/2011
<i>Fajen v. AgFeed Industries, Inc., et al.</i>	3:11-cv-01050	11/02/2011

2. These consolidated actions shall be captioned as “*In re AgFeed Industries, Inc. Securities Litigation*” and the files of this action shall be maintained in one file under Master File No. 3:11-cv-00992. Any other actions now pending or hereafter filed in this District which arise out of the same facts and claims as alleged in these related actions shall be consolidated for all purposes, if and when they are brought before this Court and the Court accepts the transfer and approves consolidation;

3. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re AGFEED INDUSTRIES, INC.	)	Master File No. 3:11-CV-00992
SECURITIES LITIGATION)	
_____	)	<u>CLASS ACTION</u>
)	
This Document Relates To:	)	Chief Judge Todd J. Campbell
_____	)	Magistrate Judge E. Clifton Knowles

4. When a pleading is intended to apply to all actions governed by this Order, the words “ALL ACTIONS” shall appear immediately after the words “This Document Relates To:” in the caption set out above. When a pleading is intended to apply only to some, but not all of the consolidated actions, this Court’s docket number for the individual action to which the document applies along with the last name of the first-filed plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption described above;

5. Pursuant to the Court’s November 14, 2011 Order in *Blitz v. AgFeed* (Dkt. No. 17), defendants need not respond to the currently-operative complaint. Defendants also do not need to respond to the currently-operative complaints in *Sopuch*, *Rosen*, *Dougherty* or *Fajen*;

6. Within sixty (60) days of the appointment of a Lead Plaintiff and Lead Counsel in the consolidated action, Lead Plaintiff shall file a consolidated complaint which shall be the operative complaint and which shall supersede all previously filed complaints.¹ Defendants shall answer, move or otherwise respond to the consolidated complaint on or before sixty (60) days after Lead Plaintiff files a consolidated complaint. Lead Plaintiff shall have sixty (60) days to oppose any

¹ Pursuant to the Private Securities Litigation Reform Act of 1995, lead plaintiff motions are due on December 19, 2011.

motion(s) to dismiss filed by Defendants. Defendants shall have thirty (30) days to reply to Lead Plaintiff's opposition to Defendants' motion(s) to dismiss.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE E. CLIFTON KNOWLES
UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY:

By: /s/ Overton Thompson
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E. Steele Clayton, IV (TN #17298)
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